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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,970	04/07/2006	Shinya Yokodate	288247US2PCT	5931

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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LEIBY, CHRISTOPHER E

ART UNIT	PAPER NUMBER
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2629

NOTIFICATION DATE	DELIVERY MODE
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09/01/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/574,970	<b>Applicant(s)</b> YOKODATE ET AL.	
	<b>Examiner</b> CHRISTOPHER E. LEIBY	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17, 18, 28, 35, 58 and 61-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17, 18, 28, 35, 58, 61-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Detailed Action***

1. **Claims 17-18, 28, 35, 58, and 61-64** are pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 17, 35, 58, and 61** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Takagi et al.** (US Patent Application Publication 2003/0189557), herein after referred to as Takagi, in view of **Dixon** (US Application Publication 2004/0041749) and further in view of **Park et al.** (US Patent Application Publication 2005/0038982).

Regarding **independent claim 17**, Takagi discloses a portable apparatus (*abstract reference portable phone*) comprising: a hinge coupling an end of an operation-side casing having an operation part and an end of a display-side casing having a main display part with each other for pivotable movement thereof (*figure 2 reference hinge connecting display side casing 12 and operational side casing 14 allowing opening and closing motions shown in figures 1 and 2*), an LED display panel which is arranged in a display window formed on a casing surface of said display-side casing other than a surface provided with the main display part (*paragraph [0004] wherein secondary display, shown in figure 1 reference 18, can be an LED*

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*display*), wherein said operation part and said main display part are respectively provided on surfaces of said operation-side casing and said display-side casing which face each other in their closed positions (*figure 2 reference display 16 on display side 12 which in the closed position about axis shown in figure 2 would face operation part 20 on operation side 14*); said LED display panel is provided on a surface of said display side casing opposed to the surface provided with the main display part (*figure 1 reference display side 12 with LED display 18 on opposite side of main display 16 shown in figure 2*).

Takagi does not disclose any specifics for the secondary display other than it is an LED display nor does Takagi disclose the degree of rotation about an axis that is perpendicular to the core of the axis of the hinge.

Takagi does show an undisclosed degree of rotation almost at 180 degrees in relation to both parts of the device in figure 2. Further Takagi may not disclose specifics of the secondary display besides that of it possibly being an LED display figures 4 and 6 and paragraphs [0030]-[0032] disclose a backlight to illuminate the display enabling the display to be visualized by the user.

Dixon does disclose specifics for an array of LEDs as a secondary display for a portable phone (abstract and figure 3) and which has a plurality of light-emitting diodes (LEDs) outwardly projecting light and matrix-arranged in a plane (*figure 3 reference 210 and paragraphs [0022] and [0023]*); a display control unit controlling display of said plurality of light-emitting diodes of said LED display panel on the basis of input display data (*figure 4 reference 414*); and a main control

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unit outputting said display data displayed on said LED display panel to said display control unit (*figure 4 reference 412*).

It would have been obvious to one skilled in the art at the time of the invention to combine Takagi's portable phone with a secondary LED display with the secondary LED display specifics of Dixon in order to display a simple display of remaining battery life as disclosed by Dixon (*paragraph [0025]*).

Further it would have also of been obvious to one skilled in the art at the time of the invention that even though Takagi does not disclose specifics for the secondary display, besides it possibly being an LED display, that such a display utilizing a backlight similar to that of an LCD would utilize LEDs in a matrix addressable fashion as would be considered normal in the art for any display.

Park discloses a hinge rotation about an axis that is perpendicular to the core of the axis of the hinge as disclosed in figures 1 and 2 and paragraphs [0007]-[0008].

It would have been obvious to one skilled in the art at the time of the invention to use Park's hinge assembly in order to facilitate the use of a single product in various function/operations modes as disclosed by Park (*abstract and paragraphs [0007]-[0008]*) such as a pda and a phone function/operation.

Regarding **claim 35**, Takagi and Dixon disclose a portable apparatus, wherein said main display part has a higher resolution than said LED display panel (*Dixon: discloses a secondary LED display with only a couple of LEDs setup in an array as shown in figure 3 reference 210, wherein the dot pitch between each LED of the secondary*

*display is inherently greater than the LCD main display as disclosed by Takagi hence the main display has a higher resolution than the LED display).*

Regarding **claim 58**, Dixon discloses a portable apparatus, further comprising: a battery supplying power to said LED display panel, the display control unit and the main control unit (*paragraph [0025]*).

Regarding **claim 61**, Dixon discloses a portable apparatus, wherein a display pattern to be displayed on said LED display panel is graphic pattern, a design pattern or a letter pattern (*paragraph [0025] reference displaying remaining battery figure 3 reference 140*).

5. **Claims 28 and 62-64** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Takagi-Dixon-Park** as applied to claim 17 above, and further in view of **Hawkins et al.** (US Patent 7,356,361), herein after referred to as Hawkins.

Regarding **independent claim 28**, Takagi and Dixon disclose a portable apparatus.

Neither Takagi nor Dixon disclose a portable apparatus further comprising: an operation key operable in a state that said operation-side casing and said display- side casing are in their closed position, wherein display of said LED display panel turns on/off by operation of said operation key controlled by the main control unit.

Hawkins does disclose a portable apparatus further comprising: an operation key operable in a state that said operation-side casing and said display- side casing are in their closed position, wherein display of said LED display panel turns on/off by operation of said operation key (*figure 1b reference 138*).

It would have been obvious to combine Hawkins power button to Takagi and Dixon's portable device to operate the power button while the lid is closed so that a user does not lose their place in the current application by opening the lid (*column 10 lines 36-46*).

Regarding **claim 62**, Takagi discloses a portable apparatus, wherein, the main display part is provided on a surface of said display-side casing facing said operation-side casing when the operation-side casing and the display-side casing are in their closed position (*figures 1 and 2 reference main display 16 facing operation side 20 when closed*).

Regarding **claim 63**, Takagi discloses a portable apparatus, wherein the LED display panel is provided on a surface of said display side casing opposed to the surface provided with the main display part (*figure 1 reference 18*).

Regarding **claim 64**, Dixon discloses a portable apparatus, wherein a display pattern to be displayed on said LED display panel is graphic pattern, a design pattern or a letter pattern (*paragraph [0025] reference displaying remaining battery figure 3 reference 140*).

6. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Takagi-Dixon-Park** as applied to claim 17 above, and further in view of **Lee** (US Patent 7,110,796).

Regarding **claim 18**, Dixon discloses that the portable device uses a battery.

Neither Takagi nor Dixon disclose the portable apparatus, wherein the battery is provided in the operation-side casing.

Lee does disclose a portable apparatus, wherein the battery is provided in the operation-side casing (*figure 4a reference 148*).

It would have been obvious to one skilled in the art at the time of the invention to combine Lee's battery position with Takagi and Dixon's portable phone in order to enable the user to easily remove or place the battery.

### ***Response to Arguments***

7. Applicant's arguments with respect to claim 17 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment. The new amended subject matter relating towards the rotation of the display in relation to the hinge necessitated a new grounds of rejection as shown above in view of Park. All arguments regarding claim 17 seem to be about the newly amended subject matter of which was rejected above and will not be duplicated here. Regarding independent claim 28, since most of claim 28 is identical to claim 17 only those differences were discussed in the above rejection since claim



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17 was already rejected. Those differences were discussed by applicant regarding an operation key and its use to switch display contents of an LED display panel. Examiner respectfully disagrees. Since there are no details in the claims of said operation or contents of which are being switched on the LED display a simple power on and power off will switch an LED display contents from a display state switched to a non-display state, therefor the rejection is seen by examiner to be proper and will be maintained. This rejection is **final**.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Takahashi**- discloses a matrix addressable LED display (*figures 1 and 2*).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER E. LEIBY whose telephone number is (571)270-3142. The examiner can normally be reached on 9 - 5 Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CL

August 21<sup>st</sup>, 2009

/Henry N Tran/  
Primary Examiner, Art Unit 2629